

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
S/end Benson Lane, approx. 3000'
S of Cockeysmill Rd. W of I-795 * ZONING COMMISSIONER
67 Benson Lane
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Edward F. Watkins, et ux * Case No. 96-308-SPH
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 67 Benson Lane near Reisterstown. The Petition is filed by Edward F. Watkins and Alice M. Watkins, property owners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) for a panhandle driveway with a width from 12 ft. to 20 ft., as a waiver of Public Works standards. The property and requested relief use is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case were Edward F. Watkins and Alice M. Watkins, property owners. The Petitioners were represented by Douglas L. Burgess, Esquire. There were no interested persons or Protestants present.

Although this somewhat unusual case comes before the Zoning Commissioner as a Petition for Special Hearing, relief is actually requested based upon the Zoning Commissioner's designation as Hearing Officer, pursuant to the development regulations of Baltimore County. As Hearing Officer, the Zoning Commissioner has authority to approve development plans submitted and also grant waivers from certain public works and other standards upon recommendation of a department director of Baltimore County.

ORDER RECEIVED FOR FILING

Date

By

3/28/96
M. Novak

RECEIVED

In any event, the facts of this particular case indicate that Mr. and Mrs. Watkins own a parcel approximately 19 acres in area zoned R.C.4 in the vicinity of Reisterstown. The property's address is designated as 67 Benson Lane. Vehicular access to the site is by way of a private drive which picks up at the terminus of Benson Lane. As shown on the site plan, that driveway crosses properties owned by John and Laura DeCarlo; and Frank and Ella J. Treuchet, to a point where it enters the Watkins' property. Apparently, Mr. and Mrs. Watkins have easement rights to utilize this driveway to access their property.

The Watkins have decided to subdivide their property and carve two lots from their 19 acre parcel. Presently, one house is existing and a second lot and house thereon will be created. The development of this property is considered a minor subdivision under the development regulations, in that less than 3 lots are being created. Normally, under the development regulations, a driveway of a minimum of 20 ft. would be necessary to access the proposed development. Although the driveway/access is 20 ft. wide in some areas, a review of the site plan shows that the width varies and is as narrow as 12 ft. in some locations. The Petitioners seek an Order from the Zoning Commissioner approving the dimensions of the existing access.

It should be noted that the project is not subject to development plan approval pursuant to the development regulations as codified in Article 26 of the Baltimore County Code. An exemption from the requirements of the development review process has been obtained by the property owners. It is also of note that an amended Zoning Plans Advisory Committee comment has been received from Robert Bowling, Chief of the Development Plans Review Division. Mr. Bowlings' comment indicates that if the lots created on the Watkins' parcel are 3 acres or greater in area, than the existing access can be used (copy of Mr. Bowling's comment attached).

ORDER RECEIVED FOR FILING

Date

3/26/96

By

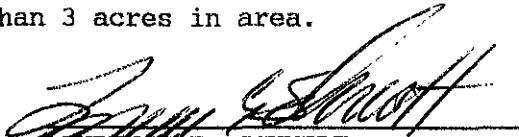
It was proffered by the Petitioners' counsel that the two lots to be created will be larger than this requirement.

Based on the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. The subdivision is, indeed, minor in nature and the increase in the volume of traffic utilizing the access easement will be minimal. That increase will not overwhelm the existing driveway nor cause detrimental impact to the surrounding properties. It is apparent that the proposed subdivision is appropriate and will, otherwise, be in compliance with both the spirit and letter of the zoning and development regulations. For these reasons, relief shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of March, 1996 that, pursuant to the Petition for Special Hearing, approval to allow a panhandle driveway with a width from 12 ft. to 20 ft., as a waiver of Public Works standards, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners may subdivide the subject property so as to create only 2 lots total and each lot shall be greater than 3 acres in area.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
att.

ORDER RECEIVED FOR FILING

Date

By

3/26/96
M. Hark

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 25, 1996

Douglas L. Burgess, Esquire
Nolan, Plumhoff and Williams, Chtd.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 96-308-SPH
Petition for Special Hearing
Property: 67 Benson Lane
Edward F. Watkins, et ux, Petitioners

Dear Mr. Burgess:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

encl.

c: Mr. and Mrs. Edward F. Watkins, 67 Benson Lane, Reisterstown 21136





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

96-308-SPH

67 BENSON LANE

which is presently zoned

PC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

WAIVER OF PUBLIC SERVICES

STANDARDS PER ATTACHED

LETTER OF 12/27/95

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee.

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

EDWARD F. WATKINS

(Type or Print Name)

Signature

ALICE M. WATKINS

(Type or Print Name)

Signature

Attorney for Petitioner:

DOMINICK L. BURGESS, ESQ

(Type or Print Name)

Signature

SUITE 700 COURT TOWERS
210 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

823-7800

67 BENSON LANE 410-833-1368

Address

Phone No.

REISTERSTOWN MD 21136-5807

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

NOLAN, PLUMMER & BYRNE
SUITE 700 COURT TOWERS
210 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

823-7800

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



DROP-OFF
NO REVIEW
2/6/96 ECR

MICROFILM

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

210 WEST PENNSYLVANIA AVENUE, SUITE 700

TOWSON, MARYLAND 21204-5340

RECEPTION (410) 823-7800

SENDER'S DIRECT DIAL AND VOICE MAIL: (410) 823-7857

FAX: (410) 296-2765

96-308-SPH

December 27, 1995

Mr. Donald T. Rascoe
Development Manager
Department of Permits and Development Management
111 West Chesapeake Avenue, Room 123
Towson, MD 21204

RE: Waiver Request - Access Easement to Watkins Property from Benson Lane, Reisterstown, MD

Dear Mr. Rascoe:

It is my pleasure to represent Mr. and Mrs. Edward Watkins in their waiver request from Bureau of Public Services Information Sheet Number Four, Subdivision Access by private right of way. That Information Sheet, a copy of which is attached hereto, allows private right of way access for lots greater than three acres provided the physical standards follow panhandle requirements. The panhandle requirements (Section 26-266(1) of the Baltimore County Code) call for 12 feet of panhandle width per lot. The Watkins are proposing a total of two lots of greater than three acres each, one being their existing home, and one for a new lot to be created.¹

The Watkins are requesting a waiver to allow the easement of a width as shown on the attached plat dated 9/26/95 by Gerhold, Cross and Etzel, to wit, variously 12 feet in width for approximately 70 feet where the panhandle nears Benson Lane and 20 feet for the remaining approximately 245 feet unto the Watkins property itself. The Watkins will be glad to pave 12 feet (in width) of the 12/20 foot access easement and provide a T turn around on their own property once the panhandle dumps onto the 19-acre parcel.²

The reason for the requested waiver is hardship caused by existing site constraints, to wit existing homes of Treuchet and DeCarlo that would be impacted by widening beyond that which was indicated. Additionally, there is a crusher run drive in place right now of approximately 8 feet in width. Use of the waiver to widen this existing 8 feet to 12/20 would minimize impacts to the environment in this area, because the easement is otherwise impacted by a side slope that needs be only minimally increased if we can hold the measurements given.

¹The RC4 zoning classification for the Watkins parcel (totalling about 19 acres) would allow three lots, however, as part of their agreement with their neighbors, the Watkins have agreed to have no more than two lots utilizing the access easement at issue.

²The Watkins also indicated a willingness (if needed to address any County concerns) to provide 2 foot crusher run (covered by grass) shoulders on both sides of the paved area of the easement in the area where the easement opens up to 20 feet in width.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Mr. Donald T. Rascoe

- 2 -

December 27, 1995

The petitioner and counsel have taken the time to personally meet and explain this situation to as many effected departments as possible and in that regard have shown it to Bob Bowling, Rahee Famili, Dave Thomas, R. P. Sauerwold and John Bryant prior to filing.

Thank you for your consideration of this waiver.

96-308-SQH

Kindest regards,

Douglas L. Burgess
Attorney at Law

DLB
Enclosures (3)

cc: Mr. and Mrs. Edward Watkins
67 Benson Lane
Reisterstown, MD 21136

304

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.
Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

January 23, 1996

**Access Easement Across the Lands of
John and Laura L. DeCarlo and
Frank and Etta J. Treuchet**

All that piece or parcel of land situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a bar and cap, now set in the third or North 34 degrees 25 minutes 30 seconds West 158.03 foot line of a parcel of land which by a Deed dated May 28, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3995 folio 255 which was conveyed by Harold G. Trumpower and Audrey G. Trumpower, his wife, to Frank N. Treuchet and Etta S. Treuchet, his wife, said bar and cap being distant South 43 degrees 05 minutes 57 seconds East 58.67 feet from the end of the aforesaid third line, said bar and cap also being in the easternmost or South 43 degrees 05 minutes 57 seconds East 157.85 foot line of the Highway Widening which by deed dated January 2, 1980 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6129 folio 813 which was conveyed by James S. Benson and Fannie W. Benson, his wife to Baltimore County, Maryland as shown on a plat entitled "Benson Property" and being recorded in Plat Book E.H.K., Jr. No. 45 folio 100, said bar and cap being distant South 43 degrees 05 minutes 57 seconds East 58.67 feet from the northernmost corner of the said Highway Widening and thence running for new lines of easement across the lands of Frank N. and Etta J. Treuchet, referring the courses of this description to the meridian shown on said plat of "Benson Property," the fifteen following courses and distances viz: 1) South 56 degrees 26 minutes 03 seconds East 26.87 feet to a bar and cap, now set, 2) South 51 degrees 3 minutes 31 seconds East 24.95 feet to a bar and cap, now set, 3) South 46 degrees 59 minutes 18 seconds East 43.03 feet to a bar and cap, now set, 4) South 69 degrees 03 minutes 43 seconds East 49.36 feet to a bar and cap, now set, 5) North 87 degrees 32 minutes 00 seconds East 49.89 feet to a bar and cap, now set, 6) North 81 degrees 22 minutes 00 seconds East 49.15 feet to a point, 7) North 89 degrees 13 minutes 00 seconds East 91.77 feet to a point, 8) North 78 degrees 45 minutes 00 seconds East 15.41 feet to intersect the third or South 08 degrees 46 minutes 49 seconds West 168.19 foot line of a parcel of land which by Deed dated December 7, 1981 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6353 folio 766 which was conveyed by Fannie W. Benson to Frank N. Treuchet and Etta J. Treuchet, his wife, and also to intersect the tenth or North 08 degrees 46 minutes 49 seconds West 168.19 foot line of a parcel of land which by a Deed dated October 29, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6808

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

folio 346 which was conveyed by Edward F. Watkins and Alice Mae Watkins, his wife and Alice Mae Watkins, Personal Representative of the Estate of Frederick Schloss, to Edward F. Watkins and Alice Mae Watkins, his wife, (said tenth line being erroneously described in said Deed as North 08 degrees 46 minutes 49 seconds West 132.49 feet) said point also being distant South 12 degrees 01 minute 12 seconds East 2.89 feet from the beginning of said third line of the parcel of land conveyed to Treuchet and also being distant South 12 degrees 01 minute 12 seconds East 2.89 feet from the end of said tenth line of the parcel of land conveyed to Watkins thence running with and binding on a part of Treuchet's said third line and also running reversely and binding on a part of said Watkins's tenth line, 9) South 12 degrees 01 minute 12 seconds East 20.00 feet to a point thence leaving said third line and said tenth line and running for new lines of easement, the six following courses and distances, viz: 10) South 78 degrees 45 minutes 00 minutes East 17.51 feet to a point, 11) South 89 degrees 13 minutes 00 seconds West 92.23 feet to a point, 12) South 81 degrees 22 minutes 00 seconds West 48.85 feet to a bar and cap, now set, 13) South 87 degrees 32 minutes 00 seconds West 56.11 feet to a bar and cap, now set, 14) North 63 degrees 37 minutes 00 seconds West 49.07 feet to a P.K. nail, now set in the root of a large pine tree, and 15) North 46 degrees 38 minutes 00 seconds East 4.82 feet to an iron pipe, heretofore set, now found under the root of the aforesaid pine tree, said iron pipe being at the beginning of the third or North 34 degrees 25 minutes 30 seconds West 158.03 foot line of the firstly herein mentioned deed, said iron pipe also being the corner of Lot 1 which was conveyed by Lillian C. Jackson, surviving Personal Representative of the Estate of Fannie W. Benson, deceased, to John DeCarlo and Laura L. DeCarlo, his wife, by a Deed dated July 1, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9268 folio 231 and designated No. 8 as shown on the above mentioned plat of "Benson Property," thence leaving the lands of Treuchet and continuing to run for new lines of easement across said Lot 1, the two following courses and distances, viz: 16) North 45 degrees 35 minutes 08 seconds West 47.11 feet to a bar and cap, now set, and 17) North 53 degrees 19 minutes 27 seconds West 37.02 feet to intersect the South 37 degree 00 minutes 00 seconds West 25.00 foot line of the aforementioned Highway Widening at a bar and cap, now set, thence running reversely and binding on a part of said South 37 degrees 00 minutes 00 seconds West 25.00 foot line and on a part of the South 43 degrees 05 minutes 57 seconds East 157.85 foot line of said Highway Widening, the two following courses and distances, viz: 18) North 37 degrees 00 minutes 00 seconds East 8.75 feet to a bar and cap, now set, and 19) North 43 degrees 05 minutes 57 seconds West 14.18 feet to the point of beginning.

Containing 6171 square feet or 0.142 Acres of land, more or less.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District.....

Date of Posting.....

Posted for:

Petitioner:

Location of property: 67 Benson Lane

Location of Signs: Posted Front Yard

Remarks:

Posted by W. E. Coor 3/29/46 Date of return:

Signature

Number of Signs: 1



304

DOUGLAS L. BURGESS
ATTORNEY AT LAW

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

| | | |
|---|---------------------------|------------|
| BALTIMORE COUNTY, MARYLAND | | No. 187610 |
| OFFICE OF FINANCE - REVENUE DIVISION | | |
| MISCELLANEOUS CASH RECEIPT | | |
| DATE <u>12/27/95</u> | ACCOUNT <u>R-001-6150</u> | |
| AMOUNT <u>\$ 250.00</u> | | |
| RECEIVED FROM: <u>Nolan Plumhoff & Williams</u> | DRC = 01/27/00 | |
| FOR: <u>Waterfront Prop Access Expenses</u> | | |
| 93A91#0125MTCHRC | | \$250.00 |
| 3. 0000-100412 00.00 | | |
| VALIDATION OR SIGNATURE OF CASHIER | | |
| DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER | | |

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

NO.

011007
#304

DATE 2/8/96 ACCOUNT 001-6150
96-308-5PH
AMOUNT \$ 35.00 (WCR)

RECEIVED Nolan, Plumbhoff & Williams
FROM:

#080 - SIGN POSTING
67 Benson Lane

FOR:

MICROFILMED 0110070027MICHRC \$35.00
80 C008159AMD2-09-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

post by: 3/4/96

CASE NUMBER: 96-308-SPH (Item 304)

67 Benson Lane

S/end Benson Lane, approximatelh 3,000' S of Cockeysmill Road, W of
I-795

4th Election District - 3rd Councilmanic

Legal Owner: Edward F. Watkins and Alice M. Watkins

Special Hearing to approve a waiver of public services standards.

HEARING: TUESDAY, MARCH 19, 1996 at 2:00 p.m. in Room 118, Old
Courthouse.

TO: PUTUXENT PUBLISHING COMPANY
February 29, 1996 Issue - Jeffersonian

Please forward billing to:

Douglas L. Burgess, Esq.
Nolan Plumhoff & Williams
Suite 700 Court Towers
210 W. Pennsylvania Avenue
Towson MD 21204
823-7800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-308-SPH (Item 304)
67 Benson Lane
S/end Benson Lane, approximately 3,000' S of Cockeysmill Road, W of I-795
4th Election District - 3rd Councilmanic
Legal Owner: Edward F. Watkins and Alice M. Watkins

Special Hearing to approve a waiver of public services standards.

HEARING: TUESDAY, MARCH 19, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

67 Benson Lane
Towson, MD 21204
823-7800



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-308-SPH (Item 304)

67 Benson Lane

S/end Benson Lane, approximately 3,000' S of Cockeysmill Road, W of I-795

4th Election District - 3rd Councilmanic

Legal Owner: Edward F. Watkins and Alice M. Watkins

Special Hearing to approve a waiver of public services standards.

HEARING: TUESDAY, MARCH 19, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Edward and Alice Watkins
Douglas L. Burgess, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 12, 1996

Douglas L. Burgess, Esquire
Nolan, Plumbhoff & Williams
Suite 700 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 304
Case No.: 96-308-SPH
Petitioner: E. F. Watkins, et ux


Dear Mr. Burgess:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 8, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,



W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Feb. 26, 1996
Zoning Administration and Development Management

FROM:  Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 26, 1996
Item No. 304

The Development Plans Review Division has reviewed the subject zoning item. Benson Lane is a County maintained road for approximately 2,900 feet± from Cockeys Mill Road. The existing paved roadway is the extent of the County rights-of-way.

Along the DeCarlo/Treuchet property line runs an existing 10-foot drainage and utility easement shown on the recorded plat of Benson Property, E.H.K., Jr. 45/100.

The Watlins property is a panhandle lot which requires a 20-foot in-fee strip to the public road under Section 22-85. This in-fee strip shall contain a 12-foot wide paved driveway per Dept. of Public Works Standard Plate R-47.

RWB:sw

Handwritten signature

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 20, 1996

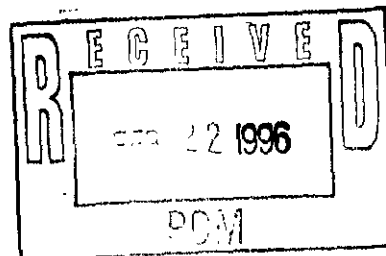
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 294, 295, 296, 298, 299, 300,
301, 302 & 304.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

ENCLOSURE



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: February 21, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 295, 296, 298, 300, 301, 303 and 304

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Keller

PK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-16-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 304 (KICK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

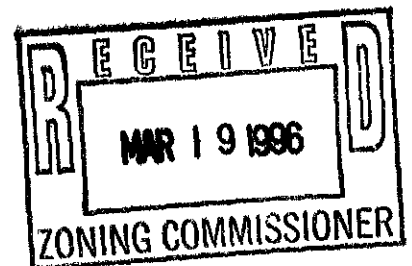
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Feb. 26, 1996
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 26, 1996
Item No. 304



The Development Plans Review Division has reviewed the subject zoning item. Benson Lane is a County maintained road for approximately 2,900 feet± from Cockeys Mill Road. The existing paved roadway is the extent of the County rights-of-way.

Along the DeCarlo/Treuchet property line runs an existing 10-foot drainage and utility easement shown on the recorded plat of Benson Property, E.H.K., Jr. 45/100.

The Watkins property ~~is~~ a panhandle lot which requires a 20-foot in-fee strip to the public road under Section 22-85. This in-fee strip shall contain a 12-foot wide paved driveway per Dept. of Public Works Standard Plate R-47.

RWB:sw

*Note - If all lots to Access
this easement are 3 acres or
greater than this access
can be used.*

RWB 3/19/96

| | | |
|--|---|---------------------|
| RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| 67 Benson Lane, S end Benson Lane, appx. | | |
| 3,000' S of Cockeys Mill Rd, W of I-795 | * | ZONING COMMISSIONER |
| 4th Election District, 3rd Councilmanic | | |
| | * | OF BALTIMORE COUNTY |
| Edward F. and Alice M. Watkins | | |
| Petitioners | * | CASE NO. 96-308-SPH |

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 1996, a copy of the foregoing Entry of Appearance was mailed to Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3321

January 19, 1996

Nolan, Plumhoff and Williams
210 W. Pennsylvania Avenue, Ste. 700
Towson, Maryland 21204-7800

RE: Watkins Property
67 Benson Lane
DRC Number 01086D, Dist. 4C3

Dear Sir:

Pursuant to Article 25A, Section 5(U) of the Annotated Code of Maryland and as provided in Section 602(d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to insure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on January 16, 1996 and made the following recommendations:

The DRC reviewed the plan submitted on the above referenced project and determined that a waiver for Public Works Standards as requested would be within the scope, purpose and intent of the development regulations of Baltimore County. The development shall comply with all other applicable laws, rules and regulations of Baltimore County Development Regulations (Section 26-180).

[Handwritten signature]


Nolan, Plumhoff and Williams
Watkins Property
January 19, 1996
Page 2

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 19th day of January, 1996, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for a building permit, your application will therefore, be approved subject to conditions set forth above.

Should you have any questions, please contact Robert W. Bowling, Department of Permits and Development Management, Developers Engineering Section at 887-3751.

Sincerely,



Arnold Jablon
Director

AJ:DTR:KAK:aw

c: Larry Pilson
Susan Wimbley
File



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 23, 1996

Douglas L. Burgess, Esquire
Nolan, Plumhoff & Williams
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204

96-308-SPH

RE: Preliminary Petition Review (Item #304)
67 Benson Lane
4th Election District

Dear Mr. Burgess:

At the request of the attorney, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all filing requirements would be addressed. A subsequent review by the staff has revealed no incomplete information. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "C. Milton".

Catherine A. Milton
Planner I
Zoning Review

CAM:scj

Enclosure (receipt)

c: Zoning Commissioner

MICROFILM



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 27, 1996

(410) 887-4386

Douglas L. Burgess, Esquire
Nolan, Plumhoff and Williams, Chartered
210 West Pennsylvania Avenue
Suite 700
Towson, Maryland 21204-5340

RE: Case No. 96-308-SPH
Petition for Special Hearing
Edward F. Watkins, et ux, Petitioners

Dear Mr. Burgess:

This is in response to your letter of April 12, 1996.

You are correct that it was the intent of my restriction attached to the Order issued in this matter that the subject vehicular access serve no more than two lots, each being greater than 3 acres in area. My restriction was based upon the concerns expressed by Robert W. Bowling, in his amended Zoning Plans Advisory Committee comment dated March 19, 1996.

The restriction will not limit density and the rights of subdivision for the subject parcel, per se, only limit the means of access to the property from the driveway leading from Benson Lane.

I am placing a copy of this letter in the case file and attaching same to the Order issued on March 28, 1996.

If you have any further questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

c: Mr. and Mrs. Edward F. Watkins, 67 Benson Lane, Reisterstown 21136

ENCLOSURE



96-584
2/6/96
10 WLR
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

210 WEST PENNSYLVANIA AVENUE, SUITE 700

TOWSON, MARYLAND 21204-5340

RECEPTION (410) 823-7800

SENDER'S DIRECT DIAL AND VOICE MAIL: (410) 823-7857

FAX: (410) 296-2765

304

February 5, 1996

Mr. Donald Rascoe
Office of Permits and Development Management
Baltimore County Government
111 W. Chesaapeake Avenue
Towson, MD 21204

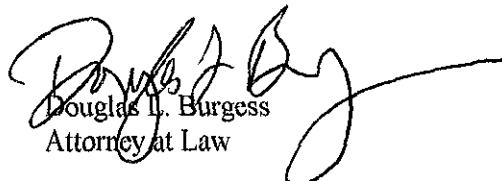
RE: Watkins Property

Dear Don:

Enclosed please find three Special Hearing forms for a waiver of Public Services standards for the Watkins property. This was before the DRC recently and you indicated we would need to take the final step of getting the Hearing Officer to approve this waiver. Enclosed is what I believe to be the necessary paperwork. Please have it processed by the appropriate personnel. I understand there is no further fee since we paid at the DRC level. If there is to be a hearing, please tell Gwen to set it with the other waivers at the earliest date, and we have enough people here to cover any hearing date if I am not available on a particular date.

Thank you for your assistance in this matter. It is greatly appreciated by me and Mr. and Mrs. Watkins.

Sincerely yours,

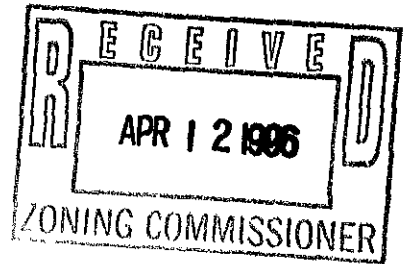

Douglas L. Burgess
Attorney at Law

DLB
Enclosure

cc: Mr. and Mrs. Edward Watkins
67 Benson Lane
Reisterstown, MD 21136

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

210 WEST PENNSYLVANIA AVENUE, SUITE 700
TOWSON, MARYLAND 21204-5340
RECEPTION (410) 823-7800
FAX: (410) 296-2765



DOUGLAS L. BURGESS

DIRECT DIAL AND VOICE MAIL:
(410) 823-7857

April 12, 1996

via hand delivery

The Honorable Lawrence Schmidt
Zoning Commissioner, Baltimore County
Baltimore County
Old Courthouse
Towson, MD 21204

RE: Item Number 304, Case Number 96-308-SPH, Petitioner E.F. Watkins

Dear Commissioner Schmidt:

James Patton, P.E. read your recent order in the captioned and kindly pointed out that it might be misconstrued to limit the total number of density units to two for the whole 18 acres and not three, which is what the RC4 density allows. The spirit and intent of the case and the decision was to limit the use of the access easement to two units¹ and allow a 12 on a 12 widening to a 12 on a 20. All other conditions in the case remain the same.

I would appreciate a clarified order or whatever you want from me to make your job easier in this regard.

There is no hurry in this regard and in fact it is requested that you hold this letter sub curia as an open reconsideration until after our chambers meeting with Judge Cadigan on April 22, 1996². I will contact your office after that meeting.

¹the third allowable unit would be allowed if in the future it found its own way out over a neighboring property separate from the access easement at issue here. This might occur if the neighbor developed in the future and there was a tie in permitted by this future new development.

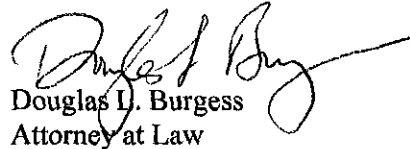
²this meeting is somewhat tangentially related to the development issue before you as it concerns a title issue with regard to the subject easement in the case.

April 12, 1996

As you may recall, there were no protestants or attendees of any kind other than the petitioners at our hearing.

Thank you for your kind consideration.

Best regards,



Douglas D. Burgess
Attorney at Law

DLB

cc: Mr. and Mrs. Edward Watkins
67 Benson Lane
Reisterstown, MD 21136

James Patton, P.E.
305 West Chesapeake Avenue
Towson, MD 21204

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

EDWARD F. WATKINS

67 BENSON LANE

ALICE M. WATKINS

REISTERSTOWN MD 21136

DOUGLAS L. BURGESS

210 W. PENNSYLVANIA AVE., STE. 700
TOWSON, MD 21204



WILLIAMSON

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/29, 1996.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property located at Room 118, Old Courthouse, Office Building, 118, Old Courthouse, Peaks Avenue in Towson,

Maryland 21204 or Room 118, Old Courthouse, 118, Old Courthouse, Washington, Baltimore County, Maryland 21204 or Room 118, Old Courthouse.

Case: #96-335-071 (Item 304)
67 Benson Lane
S/nd Benson Lane, approximately 3,000 S of Cockeysmill Road, W of I-795
4th Election District
3rd Councilmanic
Legal Owner(s):
Edward F. Watkins and Alice M. Watkins
Special Hearing: to approve a waiver of public services standards.
Hearing: Tuesday, March 19, 1996 at 2:00 p.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

2/25/96 Feb 29

C34678

IN RE: PETITION FOR SPECIAL HEARING
3/rd Benson Lane, approx. 300' S of Cockeysmill Rd. W of I-795
67 Benson Lane
4th Election District
3rd Councilmanic District
Edward F. Watkins, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-308-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 67 Benson Lane near Reisterstown. The Petition is filed by Edward F. Watkins and Alice M. Watkins, property owners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) for a panhandle driveway with a width from 12 ft. to 20 ft., as a waiver of Public Works standards. The property and requested relief use is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case were Edward F. Watkins and Alice M. Watkins, property owners. The Petitioners were represented by Douglas L. Burgess, Esquire. There were no interested persons or Protestants present.

Although this somewhat unusual case comes before the Zoning Commissioner as a Petition for Special Hearing, relief is actually requested based upon the Zoning Commissioner's designation as Hearing Officer, pursuant to the development regulations of Baltimore County. As Hearing Officer, the Zoning Commissioner has authority to approve development plans submitted and also grant waivers from certain public works and other standards upon recommendation of a department director of Baltimore County.

In any event, the facts of this particular case indicate that Mr. and Mrs. Watkins own a parcel approximately 19 acres in area zoned R.C.4 in the vicinity of Reisterstown. The property's address is designated as 67 Benson Lane. Vehicular access to the site is by way of a private drive which picks up at the terminus of Benson Lane. As shown on the site plan, that driveway crosses properties owned by John and Laura DeCarlo; and Frank and Ella J. Treuchet, to a point where it enters the Watkins' property. Apparently, Mr. and Mrs. Watkins have easement rights to utilize this driveway to access their property.

The Watkins have decided to subdivide their property and carve two lots from their 19 acre parcel. Presently, one house is existing and a second lot and house thereon will be created. The development of this property is considered a minor subdivision under the development regulations, in that less than 3 lots are being created. Normally, under the development regulations, a driveway of a minimum of 20 ft. would be necessary to access the proposed development. Although the driveway/access is 20 ft. wide in some areas, a review of the site plan shows that the width varies and is as narrow as 12 ft. in some locations. The Petitioners seek an Order from the Zoning Commissioner approving the dimensions of the existing access.

It should be noted that the project is not subject to development plan approval pursuant to the development regulations as codified in Article 26 of the Baltimore County Code. An exemption from the requirements of the development review process has been obtained by the property owners. It is also of note that an amended Zoning Plans Advisory Committee comment has been received from Robert Bowling, Chief of the Development Plans Review Division. Mr. Bowlings' comment indicates that if the lots created on the Watkins' parcel are 3 acres or greater in area, than the existing access can be used (copy of Mr. Bowling's comment attached).

- 2 -

It was proffered by the Petitioners' counsel that the two lots to be created will be larger than this requirement.

Based on the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. The subdivision is, indeed, minor in nature and the increase in the volume of traffic utilizing the access easement will be minimal. That increase will not overwhelm the existing driveway nor cause detrimental impact to the surrounding properties. It is apparent that the proposed subdivision is appropriate and will, otherwise, be in compliance with both the spirit and letter of the zoning and development regulations. For these reasons, relief shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of March, 1996 that, pursuant to the Petition for Special Hearing, approval to allow a panhandle driveway with a width from 12 ft. to 20 ft., as a waiver of Public Works standards, be and is hereby

GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners may subdivide the subject property so as to create only 2 lots total and each lot shall be greater than 3 acres in area.

LES:mmm
att.

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 25, 1996

Douglas L. Burgess, Esquire
Nolan, Plumhoff and Williams, Chtd.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 96-308-SPH
Petition for Special Hearing
Property: 67 Benson Lane
Edward F. Watkins, et ux, Petitioners

Dear Mr. Burgess:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:mmm

encl.

c: Mr. and Mrs. Edward F. Watkins, 67 Benson Lane, Reisterstown 21136

Printed with Gribben Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 67 Benson Lane
which is presently zoned RC-4

This Petition shall be filed with the Office of Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

WAIVER OF PUBLIC SERVICES
STANDARD FOR ATTORNEYS
LETTER OF 12/22/95

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Corrected Petitioner/Lessee:
N/A
(Type or Print Name)

Signature

Address

City State Zip/Code

Attorney for Petitioner:
Douglas L. Burgess, Esq.
887-3353

SUITE 700 COURT TOWERS
210 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204
823-7800

DROP-OFF
NO REVIEW
2/6/96 LCR

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
EDWARD F. WATKINS
Alice M. Watkins

Signature

Address

City State Zip/Code

Signature

Address

City State Zip/Code

Signature

Address

City State Zip/Code

Signature

Address

City State Zip/Code

Signature

Address

City State Zip/Code

Signature

Address

City State Zip/Code

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

210 WEST PENNSYLVANIA AVENUE, SUITE 700
TOWSON, MARYLAND 21204-3340
RECEPTION (410) 823-7800
SENDER'S DIRECT DIAL AND VOICE MAIL (410) 823-7857
FAX: (410) 296-2765

December 27, 1995

Mr. Donald T. Rascoe
Development Manager
Department of Permits and Development Management
111 West Chesapeake Avenue, Room 123
Towson, MD 21204

RE: Waiver Request - Access Easement to Watkins Property from Benson Lane, Reisterstown, MD

Dear Mr. Rascoe:

It is my pleasure to represent Mr. and Mrs. Edward Watkins in their waiver request from Bureau of Public Services Information Sheet Number Four, Subdivision Access by private right of way. That Information Sheet, a copy of which is attached hereto, allows private right of way access for lots greater than three acres provided the physical standards follow panhandle requirements. The panhandle requirements (Section 26-266(1) of the Baltimore County Code) call for 12 feet of panhandle width per lot. The Watkins are proposing a total of two lots of greater than three acres each, one being their existing home, and one for a new lot to be created.

The Watkins are requesting a waiver to allow the easement of a width as shown on the attached plat dated 9/26/95 by Gerhold, Cross and Etzel, to wit, variously 12 feet in width for approximately 70 feet where the panhandle nears Benson Lane and 20 feet for the remaining approximately 245 feet into the Watkins property itself. The Watkins will be glad to pave 12 feet (in width) of the 12/20 foot access easement and provide a T turn around on their own property once the panhandle dumps onto the 19-acre parcel.

The reason for the requested waiver is hardship caused by existing site constraints, to wit existing homes of Treuchet and DeCarlo that would be impacted by widening beyond that which was indicated. Additionally, there is a crusher run drive in place right now of approximately 8 feet in width. Use of the waiver to widen this existing 8 feet to 12/20 would minimize impacts to the environment in this area, because the easement is otherwise impacted by a side slope that needs to be only minimally increased if we can hold the measurements given.

The RC4 zoning classification for the Watkins parcel (totalling about 19 acres) would allow three lots, however, as part of their agreement with their neighbors, the Watkins have agreed to have no more than two lots utilizing the access easement at issue.

The Watkins also indicated a willingness (if needed to address any County concerns) to provide 2 foot crusher run (covered by grass) shoulders on both sides of the paved area of the easement in the area where the easement opens up to 20 feet in width.

Mr. Donald T. Rascoe

December 27, 1995

The petitioner and counsel have taken the time to personally meet and explain this situation to as many effected departments as possible and in that regard have shown it to Bob Bowling, Rahoe Family, Dave Thomas, R. P. Sauerwald and John Bryant prior to filing.

Thank you for your consideration of this waiver.

Kindest regards,

Douglas L. Burgess
Attorney at Law

DLB
Enclosures (3)

cc: Mr. and Mrs. Edward Watkins
67 Benson Lane
Reisterstown, MD 21136

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors
SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21206-5318
410-823-4470
FAX 410-823-4473

January 23, 1996

Access Easement Across the Lands of
John and Laura L. DeCarlo and
Frank and Etta J. Treuchet

All that piece or parcel of land situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a bar and cap, now set in the third or North 34 degrees 25 minutes 30 seconds West 158.03 foot line of a parcel of land which by a Deed dated May 28, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3995 folio 255 which was conveyed by Haro'd G. Trumpower and Audrey G. Trumpower, his wife, to Frank N. Treuchet and Etta S. Treuchet, his wife, said bar and cap being distant South 43 degrees 05 minutes 57 seconds East 58.67 feet from the end of the aforesaid third line, said bar and cap also being in the easternmost or South 43 degrees 05 minutes 57 seconds East 157.85 foot line of the Highway Widening which by deed dated January 2, 1980 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6129 folio 813 which was conveyed by James S. Benson and Fannie W. Benson, his wife to Baltimore County, Maryland as shown on a plat entitled "Benson Property" and being recorded in Plat Book E.H.K., Jr. No. 45 folio 100, said bar and cap being distant South 43 degrees 05 minutes 57 seconds East 58.67 feet from the northernmost corner of the said Highway Widening and thence running for new lines of easement across the lands of Frank N. and Etta J. Treuchet, referring the courses of this description to the meridian shown on said plat of "Benson Property," the fifteen following courses and distances viz: 1) South 36 degrees 26 minutes 03 seconds East 26.87 feet to a bar and cap, now set, 2) South 51 degrees 3 minutes 31 seconds East 24.95 feet to a bar and cap, now set, 4) South 69 degrees 03 minutes 43 seconds East 49.36 feet to a bar and cap, now set, 5) North 87 degrees 32 minutes 00 seconds East 49.89 feet to a bar and cap, now set, 6) North 81 degrees 22 minutes 00 seconds East 49.15 feet to a point, 7) North 89 degrees 13 minutes 00 seconds East 91.77 feet to a point, 8) North 78 degrees 45 minutes 00 seconds East 15.41 feet to intersect the third or South 08 degrees 46 minutes 49 seconds West 168.19 foot line of a parcel of land which by Deed dated December 7, 1981 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6353 folio 766 which was conveyed by Fannie W. Benson to Frank N. Treuchet and Etta J. Treuchet, his wife, and also to intersect the tenth or North 08 degrees 46 minutes 49 seconds West 168.19 foot line of a parcel of land which by a Deed dated October 29, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6808

Treuchet, ds

GERHOLD, CROSS & ETZEL, LTD.
Registered Professional Land Surveyors

folio 346 which was conveyed by Edward F. Watkins and Alice Mae Watkins, his wife and Alice Mae Watkins, Personal Representative of the Estate of Frederick Schloss, to Edward F. Watkins and Alice Mae Watkins, his wife, (said tenth line being erroneously described in said Deed as North 08 degrees 46 minutes 49 seconds West 132.49 feet) said point also being distant South 12 degrees 01 minute 12 seconds East 2.89 feet from the beginning of said third line of the parcel of land conveyed to Treuchet and also being distant South 12 degrees 01 minute 12 seconds East 2.89 feet from the end of said tenth line of the parcel of land conveyed to Watkins thence running with and binding on a part of Treuchet's said third line and also running reversely and binding on a part of said Watkins's tenth line, 9) South 12 degrees 01 minute 12 seconds East 20.00 feet to a point thence leaving said third line and said tenth line and running for new lines of easement, the six following courses and distances, viz: 10) South 78 degrees 45 minutes 00 minutes East 17.51 feet to a point, 11) South 89 degrees 13 minutes 00 seconds West 92.23 feet to a point, 12) South 81 degrees 22 minutes 00 seconds West 48.85 feet to a bar and cap, now set, 13) South 87 degrees 32 minutes 00 seconds West 56.11 feet to a bar and cap, now set, 14) North 63 degrees 37 minutes 00 seconds West 49.07 feet to a P.K. nail, now set in the root of a large pine tree, and 15) North 46 degrees 38 minutes 00 seconds East 4.82 feet to an iron pipe, heretofore set, now found under the root of the aforesaid pine tree, said iron pipe being at the beginning of the third or North 34 degrees 25 minutes 30 seconds West 158.03 foot line of the firstly herein mentioned deed, said iron pipe also being the corner of Lot 1 which was conveyed by Lillian C. Jackson, surviving Personal Representative of the Estate of Fannie W. Benson, deceased, to John DeCarlo and Laura L. DeCarlo, his wife, by a Deed dated July 1, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9268 folio 231 and designated No. 8 as shown on the above mentioned plat of "Benson Property," thence leaving the lands of Treuchet and continuing to run for new lines of easement across said Lot 1, the two following courses and distances, viz: 16) North 45 degrees 35 minutes 08 seconds West 47.11 feet to a bar and cap, now set, and 17) North 53 degrees 19 minutes 27 seconds West 37.02 feet to intersect the South 37 degree 00 minutes 00 seconds West 25.00 foot line of the aforementioned Highway Widening at a bar and cap, now set, thence running reversely and binding on a part of said South 37 degrees 00 minutes 00 seconds West 25.00 foot line and on a part of the South 43 degrees 05 minutes 57 seconds East 157.85 foot line of said Highway Widening, the two following courses and distances, viz: 18) North 37 degrees 00 minutes 00 seconds East 8.75 feet to a bar and cap, now set, and 19) North 43 degrees 05 minutes 57 seconds West 14.18 feet to the point of beginning.

Containing 6171 square feet or 0.142 Acres of land, more or less.

Treuchet, des.

SUITE 100 • 320 EAST TOWNSHOWN BOULEVARD • TOWSON, MARYLAND 21286 • 410-823-4470 • FAX 410-823-4473

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____ Date of Posting: _____
Posted for: _____
Petitioner: _____
Location of property: 67 Benson Lane
Location of Sign: Post Office Road
Remarks: _____
Posted by: Edw. F. Watkins Date of return: _____
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/29, 1996.

THE JEFFERSONIAN,

A. Henrich
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. on Tuesday, March 19, 1996.

Case: 96-308-SPH
67 Benson Lane
S/nd Benson Lane, approximately 3,000' S of Cockeysmill Road, W of I-795
4th Election District - 3rd Councilmanic
Legal Owner: Edward F. Watkins and Alice M. Watkins

NOTES: (1) Hearings are handicapped accessible, for special accommodations please call 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

2254/16/79 04473

RECEIVED: 410-823-7800
FAX: 410-823-2765
DIRECT: 410-823-7857

Douglas L. Burgess
ATTORNEY AT LAW

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED
SUITE 700 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 187610
DATE 12/27/95 ACCOUNT R-001-6150
AMOUNT \$ 250.00
RECEIVED FROM: Town of Plumbhoff & Williams
FOR: With Prop. Review Fee
VALIDATION OR SIGNATURE OF CASHIER
WCR/jw

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 304
DATE 2/9/96 ACCOUNT 001-6150
AMOUNT \$ 35.00 (WCR)
RECEIVED FROM: Nolan, Plumbhoff & Williams
FOR: 8080 - SIGN POSTING
VALIDATION OR SIGNATURE OF CASHIER
WCR/jw

TO: POTENTIAL PUBLISHING COMPANY
February 29, 1996 Issue - Jeffersonian

Please forward billing to:

Douglas L. Burgess, Esq.
Nolan, Plumbhoff & Williams
Suite 700 Court Towers
210 W. Pennsylvania Avenue
Towson MD 21204
823-7800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. on Tuesday, March 19, 1996.

Case Number: 96-308-SPH (Item 304)
67 Benson Lane
S/nd Benson Lane, approximately 3,000' S of Cockeysmill Road, W of I-795
4th Election District - 3rd Councilmanic
Legal Owner: Edward F. Watkins and Alice M. Watkins

Special Hearing to approve a waiver of public services standards.
HEARING: TUESDAY, MARCH 19, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. on Tuesday, March 19, 1996.

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Arnold Jablon
Director

cc: Edward and Alice Watkins
Douglas L. Burgess, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 12, 1996

Douglas L. Burgess, Esquire
Nolan, Plumbhoff & Williams
Suite 700 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 304
Case No.: 96-308-SPH
Petitioner: E. F. Watkins, et ux

Dear Mr. Burgess:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 8, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richardson
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

post by: 3/4/96

CASE NUMBER: 96-308-SPH (Item 304)
67 Benson Lane
S/nd Benson Lane, approximately 3,000' S of Cockeysmill Road, W of I-795
4th Election District - 3rd Councilmanic
Legal Owner: Edward F. Watkins and Alice M. Watkins
Special Hearing to approve a waiver of public services standards.
HEARING: TUESDAY, MARCH 19, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 26, 1996
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
for February 26, 1996
Item No. 304

The Development Plans Review Division has reviewed the subject zoning item. Benson Lane is a County maintained road for approximately 2,900 feet from Cockeys Mill Road. The existing paved roadway is the extent of the County rights-of-way.

Along the DeCarlo/Treuchet property line runs an existing 10-foot drainage and utility easement shown on the recorded plat of Benson Property, E.H.K., Jr. 46/100.

The Watline property is a panhandle lot which requires a 20-foot in-fee strip to the public road under Section 22-85. This in-fee strip shall contain a 12-foot wide paved driveway per Dept. of Public Works Standard Plate R-47.

RWB:sw

700 East Joppa Road
Towson, MD 21286-3500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

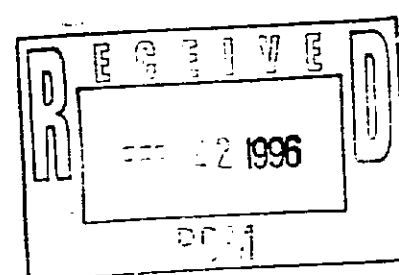
Location: DISTRIBUTION MEETING OF FEB. 20, 1996

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 294, 295, 296, 298, 299, 300, 301, 302 & 304.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 21, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 295, 296, 298, 300, 301, 303 and 304

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Dean*

PK/JL

ITEM295/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-16-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 304 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

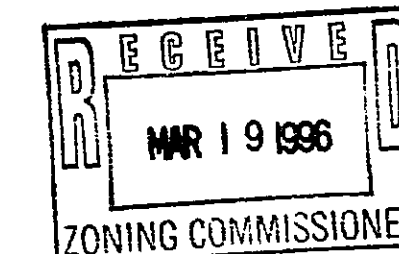
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: Feb. 26, 1996

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 26, 1996
Item No. 304



The Development Plans Review Division has reviewed the subject zoning item. Benson Lane is a County maintained road for approximately 2,900 feet from Cockeys Mill Road. The existing paved roadway is the extent of the County rights-of-way.

Along the DeCarlo/Treuchet property line runs an existing 10-foot drainage and utility easement shown on the recorded plat of Benson Property, E.H.K., Jr. 45/100.

The Watkins property is a panhandle lot which requires a 20-foot in-fee strip to the public road under Section 22-85. This in-fee strip shall contain a 12-foot wide paved driveway per Dept. of Public Works Standard Plate R-47.

RWB:saw

Note - If all lots to Access
this easement are 3 acres or
greater than this access
can be used. *RWB 3/19/96*

RE: PETITION FOR SPECIAL HEARING *
67 Benson Lane, S end Benson Lane, apx. *
3,000' S of Cockeys Mill Rd, W of J-795 *
4th Election District, 3rd Councilmanic *
Edward F. and Alice M. Watkins *
Petitioners *
CASE NO. 96-308-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 1996, a copy of the foregoing Entry of Appearance was mailed to Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3321

January 19, 1996

Nolan, Plumhoff and Williams
210 W. Pennsylvania Avenue, Ste. 700
Towson, Maryland 21204-7800

RE: Watkins Property
67 Benson Lane
DRC Number 01086D, Dist. 4C3

Dear Sir:

Pursuant to Article 25A, Section 5(U) of the Annotated Code of Maryland and as provided in Section 602(d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to insure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on January 16, 1996 and made the following recommendations:

The DRC reviewed the plan submitted on the above referenced project and determined that a waiver for Public Works Standards as requested would be within the scope, purpose and intent of the development regulations of Baltimore County. The development shall comply with all other applicable laws, rules and regulations of Baltimore County Development Regulations (Section 26-180).

Nolan, Plumhoff and Williams
Watkins Property
January 19, 1996
Page 2

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 19th day of January, 1996, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for a building permit, your application will therefore, be approved subject to conditions set forth above.

Should you have any questions, please contact Robert W. Bowling, Department of Permits and Development Management, Developers Engineering Section at 887-3751.

Sincerely,

Arnold Jablon
Arnold Jablon
Director

AJ:DTR-KAK:aw

c: Larry Pilon
Susan Wimbley
File



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 23, 1996

Douglas L. Burgess, Esquire
Nolan, Plumhoff & Williams
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204

96-308-SPH

RE: Preliminary Petition Review (Item #304)
67 Benson Lane
4th Election District

Dear Mr. Burgess:

At the request of the attorney, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all filing requirements would be addressed. A subsequent review by the staff has revealed no incomplete information. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Catherine A. Milton
Catherine A. Milton
Planner I
Zoning Review

CAM:scj

Enclosure (receipt)

c: Zoning Commissioner

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 27, 1996 (410) 887-4386

Douglas L. Burgess, Esquire
Nolan, Plumhoff & Williams, Chartered
210 West Pennsylvania Avenue
Suite 700
Towson, Maryland 21204-5340

RE: Case No. 96-308-SPH
Petition for Special Hearing
Edward F. Watkins, et ux, Petitioners

Dear Mr. Burgess:

This is in response to your letter of April 12, 1996.

You are correct that it was the intent of my restriction attached to the Order issued in this matter that the subject vehicular access serve no more than two lots, each being greater than 3 acres in area. My restriction was based upon the concerns expressed by Robert W. Bowling, in his amended Zoning Plans Advisory Committee comment dated March 19, 1996.

The restriction will not limit density and the rights of subdivision for the subject parcel, per se, only limit the means of access to the property from the driveway leading from Benson Lane.

I am placing a copy of this letter in the case file and attaching same to the Order issued on March 28, 1996.

If you have any further questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

cc: Mr. and Mrs. Edward F. Watkins, 67 Benson Lane, Reisterstown 21136

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

210 WEST PENNSYLVANIA AVENUE, SUITE 700
TOWSON, MARYLAND 21204-5340
RECEPTION (410) 823-7800
SENDER'S DIRECT DIAL AND VOICE MAIL: (410) 823-7857
FAX: (410) 296-2765

February 5, 1996

Mr. Donald Rascoe
Office of Permits and Development Management
Baltimore County Government
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Watkins Property

Dear Don:

Enclosed please find three Special Hearing forms for a waiver of Public Services standards for the Watkins property. This was before the DRC recently and you indicated we would need to take the final step of getting the Hearing Officer to approve this waiver. Enclosed is what I believe to be the necessary paperwork. Please have it processed by the appropriate personnel. I understand there is no further fee since we paid at the DRC level. If there is to be a hearing, please tell Gwen to set it with the other waivers at the earliest date, and we have enough people here to cover any hearing date if I am not available on a particular date.

Thank you for your assistance in this matter. It is greatly appreciated by me and Mr. and Mrs. Watkins.

Sincerely yours,

Douglas L. Burgess
Attorney at Law

DLB
Enclosure

cc: Mr. and Mrs. Edward Watkins
67 Benson Lane
Reisterstown, MD 21136

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

210 WEST PENNSYLVANIA AVENUE, SUITE 700
TOWSON, MARYLAND 21204-5340
RECEPTION (410) 823-7800
FAX: (410) 296-2765

DOUGLAS L. BURGESS

DIRECT DIAL AND VOICE MAIL:
(410) 823-7857

April 12, 1996

The Honorable Lawrence Schmidt
Zoning Commissioner, Baltimore County
Baltimore County
Old Courthouse
Towson, MD 21204

RE: Item Number 304, Case Number 96-308-SPH, Petitioner E.F. Watkins

Dear Commissioner Schmidt:

James Patton, P.E. read your recent order in the captioned and kindly pointed out that it might be misconstrued to limit the total number of density units to two for the whole 18 acres and not three, which is what the RC4 density allows. The spirit and intent of the case and the decision was to limit the use of the access easement to two units and allow a 12 on a 12 widening to a 12 on a 20. All other conditions in the case remain the same.

I would appreciate a clarified order or whatever you want from me to make your job easier in this regard.

There is no hurry in this regard and in fact it is requested that you hold this letter sub curia as an open reconsideration until after our chambers meeting with Judge Cadigan on April 22, 1996. I will contact your office after that meeting.

The third allowable unit would be allowed if in the future it found its own way out over a neighboring property separate from the access easement at issue here. This might occur if the neighbor developed in the future and there was a tie in permitted by this future new development.

This meeting is somewhat tangentially related to the development issue before you as it concerns a title issue with regard to the subject easement in the case.

The Honorable Lawrence Schmidt

-2-

April 12, 1996

As you may recall, there were no protestants or attendees of any kind other than the petitioners at our hearing.

Thank you for your kind consideration.

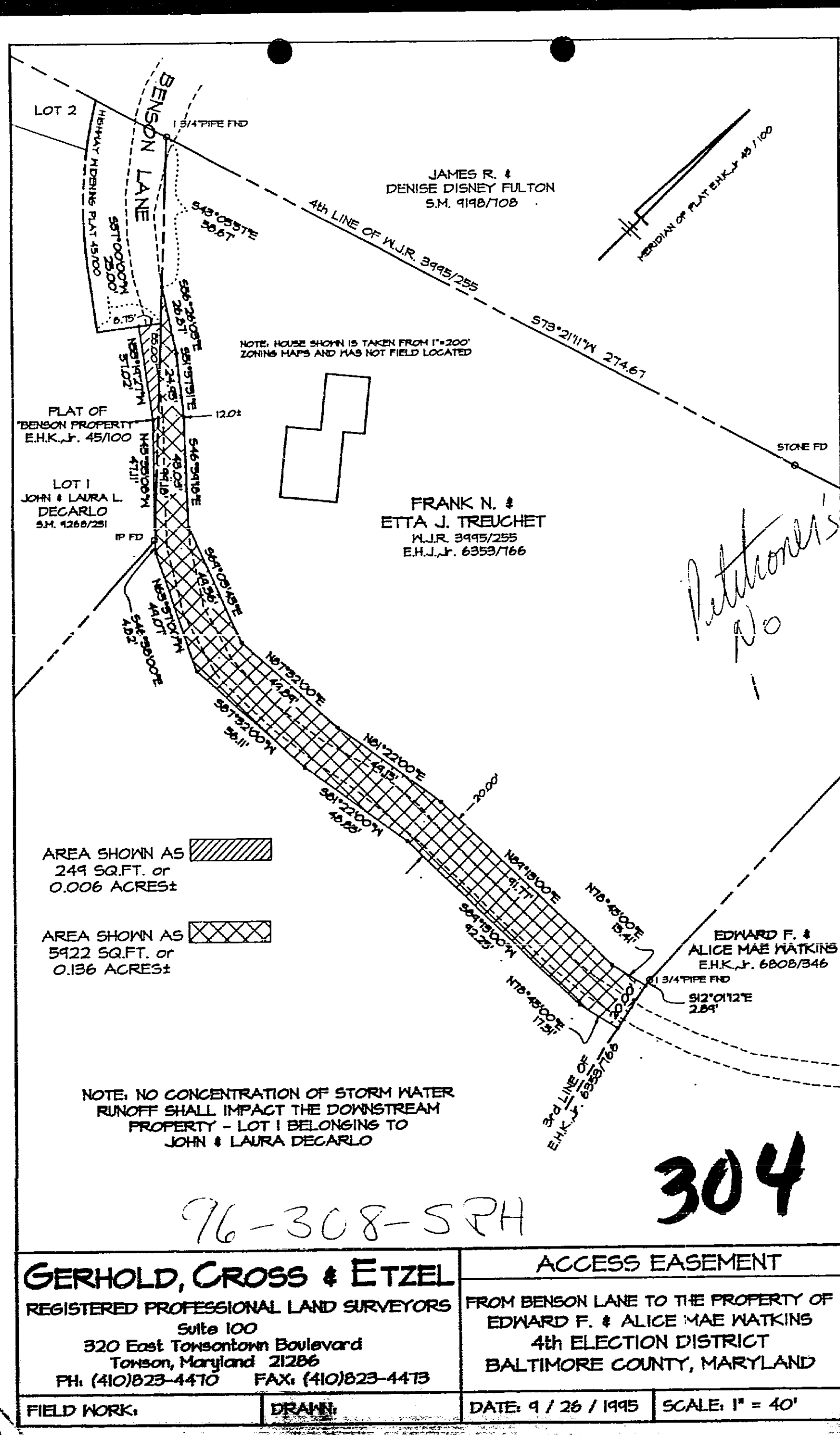
Best regards,

Douglas L. Burgess
Attorney at Law

DLB

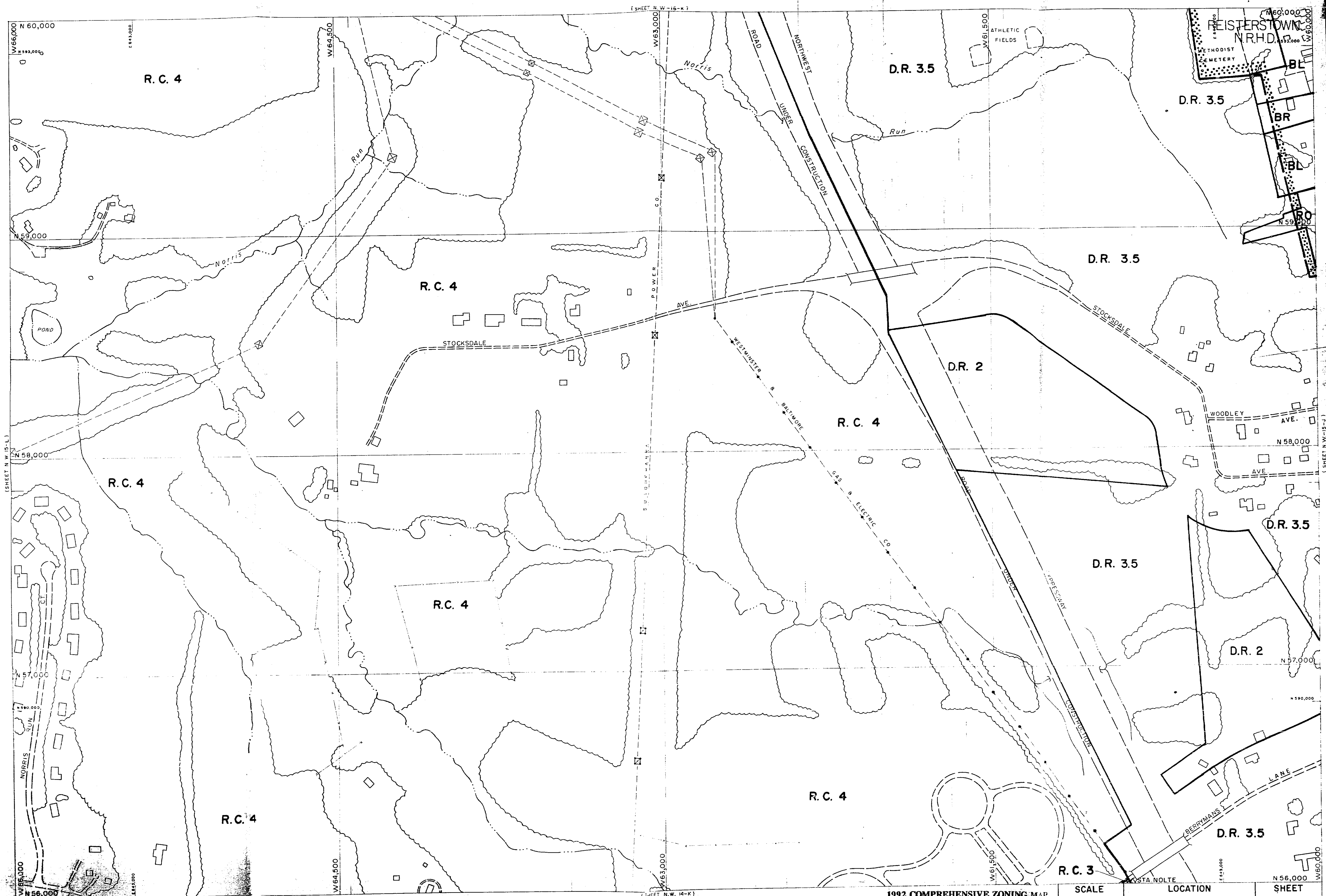
cc: Mr. and Mrs. Edward Watkins
67 Benson Lane
Reisterstown, MD 21136

James Patton, P.E.
305 West Chesapeake Avenue
Towson, MD 21204



PETITIONER(S) SIGN-IN SHEET

| NAME | ADDRESS |
|--------------------|---|
| EDWARD F. WATKINS | 67 BENSON LANE |
| ALICE M. WATKINS | REISTERSTOWN MD 21136 |
| DOUGLAS L. BURGESS | 210 W. PENNSYLVANIA AVE., STE 700 TOWSON, MD 21204 |



Y-NE
X-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 193-92, 194-92, 185-92, 186-92, 187-92, 188-92, 189-92

William D. Howard
Chairman, County Council

| | | |
|--|---|------------------------|
| SCALE 1" = 200'± | LOCATION REISTERSTOWN AREA SOUTH | SHEET N. W. 15-K |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |

96-308-SPH

304